



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Leigh Mackey, Coroner, having investigated the death of Noel John Jones

Find, pursuant to Section 28(1) of the *Coroners Act 1995*, that

- a) The identity of the deceased is Noel John Jones (date of birth 23 October 1938). Mr Jones was married to Barbara, and had two children, Cheryl and David. He lived in Campbell Town.
- b) On 30 December 1979 Mr Jones and three others, Messrs Emmerton (first name not known), Noel Price and Terrence Leedham, left Campbell Town to go fishing at Swansea on the east coast of Tasmania. They were using Mr Emmerton's boat, a 12-foot aluminium dinghy. There were two lifejackets available for use in the boat. They launched into the Swan River at "daybreak" and fished at the mouth of the river until approximately 8.30am. After sourcing more bait in Swansea, Messrs Jones, Price and Leedham returned to the boat and set out into Great Oyster Bay. Mr Emmerton did not accompany them. At approximately 1.30pm and in a position approximately 4 kilometres south of the mouth of the Swan River, nearly opposite the Hazards the wind picked up and the seas in the bay became rough. Mr Leedham describes choppy waves approximately 1 metre high and a north easterly wind.

The men decided to head back to the Swan River however the boat became swamped and overturned. All three men and their gear were thrown from the boat. Messrs Leedham and Jones were both wearing a life jacket Mr Price was not. Over the next few hours the men held onto the boat which was rocking to the extent that at times they had to let it go. Eventually Mr Leedham was able to remove the outboard motor on the boat which increased its stability. The men continued to hold onto its sides. At approximately 7.00pm the seas calmed somewhat allowing Mr Price the opportunity of getting himself back into the boat. The boat was almost full

of water and Mr Leedham and Mr Jones continued to hold onto its sides from the water.

The three men remained with the boat overnight, keeping each other awake. Approximately an hour before dawn Mr Jones complained of being bitten around his legs, possibly by sea lice, and moved from his position on one side of the boat to the other side where Mr Leedham was balancing the boat. As he did so the boat tilted and Mr Leedham moved his position to the other side of the boat in an effort to keep it stable.

During these movements Mr Jones stopped holding onto the boat and drifted away from it. When Mr Leedham got to the other side of the boat he noticed Mr Jones had drifted approximately 4.5 metres away from the boat. Mr Leedham attempted to reach him however in the darkness he lost sight of him. This is the last time Mr Jones has been seen.

On the morning of 31 December 1979, the boat again tipped and Mr Price fell out and disappeared. His body was found washed up onto Cooks Beach on 3 February 1980. Mr Leedham was later able to get into the boat and stayed with it until rescued. He survived.

Mr Jones was last seen submerged in water in Great Oyster Bay in the darkness, after having spent many hours submerged in the water and clinging to the boat. His body has never been recovered. There are no indications that he remained alive after these events. I find that Mr Jones died as a result of drowning due to a boating accident.

- c) Mr Jones' cause of death was drowning.
- d) Mr Jones died on 31 December 1979 at Great Oyster Bay, Tasmania.

In making the above findings I have had regard to the evidence gained in the investigation into Mr Jones' death. The evidence includes:

- The Police Report of Death for the Coroner;
- The findings of the Coroner and investigation into the death of Mr Noel Price;
- Affidavit of Abbey Jones dated 18 September 2025;
- Affidavit of Noel Freeman dated 14 February 2026;
- Affidavit of Senior Constable Lucy Brown dated 8 January 2026;
- Affidavit of Garry Hamilton dated 12 May 1980 and 8 January 2026;

- Affidavits of Terrence Leedham dated 9 May 1980 and 30 October 2025;
- Affidavit of Maurice Massie dated 4 February 2026; and
- Media reports and weather observations.

Comments and Recommendations

At the time of Mr Jones' death coronial investigations were conducted under the *Coroners Act* 1957. On 13 December 1978 an amendment to section 7 of the *Coroners Act* 1957 came into effect (*Coroners Act* 1978 No. 50 of 1978) which extended the jurisdiction of the coroner to investigate a death to enable investigations without a body of a person the coroner has reasonable cause to believe is missing. This amendment was in effect at the time Mr Jones went missing on the fishing trip on 30 December 1979.

The jurisdiction of the Coroner to investigate the death of Mr Jones only, however, arose, upon the Coroner being informed that a person, in this case Mr Jones, had died.¹ The obligation to inform a coroner, a justice or police officer, under the *Coroners Act* 1957, is on the person who finds a dead body or the person who knows or becomes acquainted with, a sudden, violent or apparently unnatural death or death in unusual or suspicious circumstances.²

The circumstances of Mr Jones' death were sudden, apparently unnatural and unusual. It should have been reported to the Coroner. There is no record of a report being made to the Coroners' Office in 1979 or thereafter, until the report made by his granddaughter, Abbey Jones, on 19 September 2025. Abbey was requested to make the report once the omission to have reported the death many years ago was discovered. Abbey has provided great assistance by formally reporting the disappearance of Mr Jones to Tasmania Police and I have investigated his disappearance and death and make these findings under the *Coroners Act* 1995.

Mr Price's body was recovered and was the subject of inquiry by a coroner and the making of findings. As part of that investigation an affidavit was obtained from the only survivor of the boating accident, Mr Leedham, dated 9 May 1980, and in large part my findings of fact regarding the death of Mr Jones is based on this evidence. On 22 May 1980 the Coroner found Mr Price died from asphyxia by drowning in the waters of Great Oyster Bay.

¹ Section 7(1) *Coroners Act* 1957 (in force after 1978).

² Section 47 *Coroners Act* 1957.

Given the intertwining of the factual circumstances of Mr Jones' and Mr Price's deaths, the both of them being in the boat when it overturned, them both surviving together with Mr Leedham over many hours, the observations made by Mr Leedham of Mr Jones' disappearance from the boat, it would have been reasonable for the investigating members of Tasmanian Police and the Coroner investigating the death of Mr Price to have reached the reasonable belief that Mr Jones, whilst missing, had met a sudden, or unnatural death or a death in unusual circumstances and commenced an inquiry into Mr Jones' death. That step was not taken. The reasons for an inquiry not being commenced into Mr Jones' death at this time is unlikely to be clarified by further investigation given the lapse of time since he went missing and the investigation into Mr Price's death was conducted and concluded.

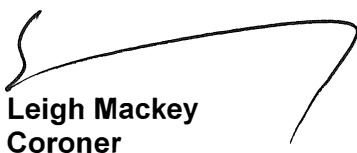
The statutory framework that applied at the time when Mr Jones died for the jurisdiction of the coroner and the reporting obligations were materially altered and modernised by the repeal of the *Coroners Act* 1957 and the introduction of the *Coroners Act* 1995. I find that there is no utility or benefit to be gained in further investigating the failure to have informed the Coroner or for the Coroner investigating Mr Price's death to have informed himself of Mr Jones' disappearance. I do, however, apologise to Mr Jones' family for the omission of this office investigating his death when he went missing in 1979 at a time when it was reasonable to conclude that he had died. I have no doubt that for Mr Jones' family the need to report Mr Jones' death to authorities so many years after the boating accident, has caused them distress.

I extend my appreciation to investigating officer Constable Ben Cox for his investigation and report.

The circumstances of Mr Jones' death are not such as to require me to make any recommendations pursuant to Section 28 of the *Coroners Act* 1995.

I convey my sincere condolences to the family and loved ones of Mr Jones.

Dated: 10 August 2026 at Hobart, in the State of Tasmania.



Leigh Mackey
Coroner

Addendum

On 22 April 2026 I published my findings into the death of Mr Jones. In those findings I made comment that under the *Coroners Act* 1957 the jurisdiction of a coroner to investigate a death was not enlivened until there was a dead body.³ Whilst this was the case up until 13 December 1978 on that day an amendment to section 7 of the *Coroners Act* 1957 came into effect (*Coroners Act* 1978 No. 50 of 1978) which extended the jurisdiction of the coroner to investigate a death to enable investigations without a body of a person the coroner has reasonable cause to believe is missing.⁴ This amendment was in effect at the time Mr Jones went missing on the fishing trip on 30 December 1979.

In light of this, the investigation into Mr Jones' death has been re-opened and the findings re-examined by an order pursuant to section 58(1)(c) of the *Coroners Act* 1995 dated 29 June 2026 as there is a mistake in the record of findings. The findings made on 22 April 2026 have been varied to correctly reflect the jurisdiction of the Coroner at the time of Mr Jones' disappearance and death.

³ Section 7(1) *Coroners Act* 1957 (in force prior to 1978).

⁴ Section 7(1B) *Coroners Act* 1957 (in force after 1978).